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Publications

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Legislative Committee on Bill C-38 ...

Minutes of Proceedings



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## MINUTES OF PROCEEDINGS

Meeting No. 1

Thursday, May 5, 2005

The Legislative Committee on Bill C-38 met in a televised session at 1:05 p.m. this day, in Room 253-D Centre Block; the Chair, Marcel Proulx, presiding.

*Members of the Committee present:* Rona Ambrose, Françoise Boivin, Don Boudria, Gord Brown, Paul Harold Macklin, Richard Marceau, Réal Ménard, Rob Moore, Anita Neville, Marcel Proulx, Michael John Savage, Bill Siksay and Vic Toews.

*In attendance: Library of Parliament:* Mary Hurley, Analyst.

Pursuant to Standing Order 113 (3), organization meeting.

On motion of Don Boudria, it was agreed, — That the Sub-Committee on Agenda and Procedure be composed of the Chair, one Liberal Party Member, one Conservative Party Member, one Bloc Québécois Member and one New Democratic Party Member.

On motion of Réal Ménard, it was agreed, — That the Committee retain the services of one or more analysts from the Library of Parliament, as needed, to assist the Committee in its work, at the discretion of the Chair.

On motion of Réal Ménard, it was agreed, — That the Chair be authorized to hold meetings to receive and publish evidence when a quorum is not present provided that at least three (3) members are present, including one (1) member of the Opposition.

On motion of Vic Toews, it was agreed, — That witnesses be given ten (10) minutes to make their opening statement; That, at the discretion of the Chair, during the questioning of witnesses, there be allocated seven (7) minutes to the first questioner of each party, starting with the Opposition parties; and that thereafter, five (5) minutes be allocated to each subsequent questioner, alternating between Opposition parties and Government.

On motion of Don Boudria, it was agreed, — That, if requested, reasonable travel, accommodation and living expenses be reimbursed to witnesses not exceeding two (2) representatives per organization.

On motion of Don Boudria, it was agreed, — That the Clerk of the Committee be authorized to make the necessary arrangements to provide for working meals for the Committee and its subcommittees.

On motion of Richard Marceau, it was agreed, — That, unless there is unanimous consent, 48 hours of written notice be given to the Members of the Committee before any new item of business be considered by the Committee. That the said motion be filed with the Clerk of the Committee and circulated to members in both official languages. Upon receipt of the notice, the Clerk shall put the motion on the agenda of the Committee's next meeting.

On motion of Vic Toews, it was agreed, — That, unless otherwise ordered, each Committee member be allowed to have one staff person present at *in camera* meetings.

On motion of Paul Harold Macklin, it was agreed, — That one copy of the transcript of all *in camera* meetings be kept in the Committee Clerk's office for consultation by members of the Committee.

On motion of Don Boudria, it was agreed, — That the Clerk of the Committee be authorized to distribute to the

members of the Committee documents only when they exist in both official languages and that no document from a witness be distributed without the Clerk's approval.

On motion of Françoise Boivin, it was agreed, — That amendments to the Bill be submitted to the Clerk of the Committee 48 hours prior to clause by clause consideration.

On motion of Richard Marceau, it was agreed, — That the Committee may refer as required to evidence received during the study of the issue of marriage and the recognition of same-sex unions by the Standing Committee on Justice and Human Rights during the second session of the 37th Parliament.

At 1:25 p.m., the Committee adjourned to the call of the Chair.

Jean-François Pagé  
Clerk of the Committee

2005/05/06 2:07 p.m.

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HOUSE OF COMMONS OF CANADA  
38th PARLIAMENT, 1st SESSION

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**MINUTES OF PROCEEDINGS**

**LEGISLATIVE COMMITTEE ON BILL C-38**

Chair: Marcel Proulx. Lib.

**Meeting No. 2**

**Wednesday, May 11, 2005**

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**ORDER OF THE DAY:**

Pursuant to the Order of Reference of Wednesday, May 4, 2005, the Committee resumed consideration of Bill C-38, An Act respecting certain aspects of legal capacity for marriage for civil purposes.

**MEMBERS OF THE COMMITTEE PRESENT:**

Rona Ambrose,  
Françoise Boivin,  
Gord Brown,  
Paul Harold Macklin,  
Richard Marceau,  
Réal Ménard,  
Rob Moore,  
Anita Neville,  
Marcel Proulx,  
Michael John Savage,  
Bill Siksay  
and Vic Toews.

**IN ATTENDANCE:**

*Library of Parliament:*  
Mary Hurley, Analyst.

**APPEARING:**

Hon. Irwin Cotler, Minister of Justice.

**WITNESSES:**

*Department of Justice:*

Lisa Hitch, Senior Counsel, Policy Sector, Family, Children and  
Youth Section.

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Jean-François Pagé  
Clerk of the Committee

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## MINUTES OF PROCEEDINGS

Meeting No. 2

Wednesday, May 11, 2005

The Legislative Committee on Bill C-38 met at 3:15 p.m. this day, in Room 371 West Block, the Chair, Marcel Proulx, presiding.

*Members of the Committee present:* Rona Ambrose, Françoise Boivin, Gord Brown, Paul Harold Macklin, Richard Marceau, Réal Ménard, Rob Moore, Anita Neville, Marcel Proulx, Michael John Savage, Bill Siksay and Vic Toews.

*In attendance: Library of Parliament:* Mary Hurley, Analyst.

*Appearing:* Hon. Irwin Cotler, Minister of Justice.

*Witnesses: Department of Justice:* Lisa Hitch, Senior Counsel, Policy Sector, Family, Children and Youth Section.

Pursuant to the Order of Reference of Wednesday, May 4, 2005, the Committee commenced consideration of Bill C-38, An Act respecting certain aspects of legal capacity for marriage for civil purposes.

The Minister made a statement.


At 4:07 p.m., the Committee adjourned to the call of the Chair.

Jean-François Pagé  
Clerk of the Committee

2005/05/17 2:57 p.m.

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HOUSE OF COMMONS OF CANADA  
38th PARLIAMENT, 1st SESSION

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**MINUTES OF PROCEEDINGS**  
**LEGISLATIVE COMMITTEE ON BILL C-38**

Chair: Marcel Proulx, Lib.

**Meeting No. 3**

**Thursday, May 12, 2005**

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**ORDER OF THE DAY:**

Pursuant to the Order of Reference of Wednesday, May 4, 2005, the Committee resumed consideration of Bill C-38, An Act respecting certain aspects of legal capacity for marriage for civil purposes.

**MEMBERS OF THE COMMITTEE PRESENT:**

Rona Ambrose,  
James Bezan,  
Françoise Boivin,  
Hon. Don Boudria,  
Hon. Paul Harold Macklin,  
Richard Marceau,  
Réal Ménard,  
Rob Moore,  
Anita Neville,  
Marcel Proulx,  
Michael John Savage,  
Bill Siksay  
and Vic Toews.

**IN ATTENDANCE:**

*Library of Parliament:*  
Mary Hurley, Analyst.

**APPEARING:**

Hon. Irwin Cotler, Minister of Justice.

**WITNESS:**

*Department of Justice:*

Lisa Hitch, Senior Counsel, Policy Sector, Family, Children and  
Youth Section.

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Jean-François Pagé  
Clerk of the Committee

## MINUTES OF PROCEEDINGS

Meeting No. 3

Thursday, May 12, 2005

The Legislative Committee on Bill C-38 met in a televised session at 2:06 p.m. this day, in Room 237-C Centre Block, the Chair, Marcel Proulx, presiding.

*Members of the Committee present:* Rona Ambrose, James Bezan, Françoise Boivin, Don Boudria, Paul Harold Macklin, Richard Marceau, Réal Ménard, Rob Moore, Anita Neville, Marcel Proulx, Michael John Savage, Bill Siksay and Vic Toews.

*In attendance: Library of Parliament:* Mary Hurley, Analyst.

*Appearing:* Hon. Irwin Cotler, Minister of Justice.

*Witnesses: Department of Justice:* Lisa Hitch, Senior Counsel, Policy Sector, Family, Children and Youth Section.

Pursuant to the Order of Reference of Wednesday, May 4, 2005, the Committee resumed consideration of Bill C-38, An Act respecting certain aspects of legal capacity for marriage for civil purposes.

The Minister made a statement and, with the other witness, answered questions.

At 3:36 p.m., the Committee adjourned to the call of the Chair.

Jean-François Pagé  
Clerk of the Committee

2005/05/18 2:44 p.m.





HOUSE OF COMMONS OF CANADA  
38th PARLIAMENT, 1st SESSION

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**MINUTES OF PROCEEDINGS**  
**LEGISLATIVE COMMITTEE ON BILL C-38**

Chair: Marcel Proulx. Lib.

**Meeting No. 4**

**Monday, May 16, 2005**

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**ORDER OF THE DAY:**

The Committee proceeded to the consideration of matters related to Committee business.

Pursuant to the Order of Reference of Wednesday, May 4, 2005, the Committee resumed consideration of Bill C-38, An Act respecting certain aspects of legal capacity for marriage for civil purposes.

**MEMBERS OF THE COMMITTEE PRESENT:**

Françoise Boivin,  
Hon. Don Boudria,  
Gord Brown,  
Paul Harold Macklin,  
Richard Marceau,  
Réal Ménard,  
Rob Moore,  
Anita Neville,  
Marcel Proulx,  
Michael John Savage,  
Bill Siksay,  
Vic Toews  
and Mark Warawa.

**IN ATTENDANCE:**

*Library of Parliament:*

Mary Hurley, Analyst.

**WITNESSES:**

*Egale Canada:*

Laurie Arron, Director, Advocacy.

*Canadians for Equal Marriage:*

Alex Munter, National Coordinator.

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Jean-François Pagé  
Clerk of the Committee



## MINUTES OF PROCEEDINGS

Meeting No. 4

Monday, May 16, 2005

The Legislative Committee on Bill C-38 met in a televised session at 3:36 p.m. this day, in Room 269 West Block, the Chair, Marcel Proulx, presiding.

*Members of the Committee present:* Françoise Boivin, Hon. Don Boudria, Gord Brown, Paul Harold Macklin, Richard Marceau, Réal Ménard, Rob Moore, Anita Neville, Marcel Proulx, Michael John Savage, Bill Siksay, Vic Toews and Mark Warawa.

*In attendance: Library of Parliament:* Mary Hurley, Analyst.

*Witnesses: Egale Canada:* Laurie Arron, Director, Advocacy. *Canadians for Equal Marriage:* Alex Munter, National Coordinator.

The Committee proceeded to the consideration of matters related to Committee business.

The Chair presented the First Report from the Subcommittee on Agenda and Procedure which read as follows:

Your Sub-Committee met on Thursday, May 12, 2005, and agreed to make the following recommendations:

1. Barreau du Québec
2. Canadian Bar Association
3. Canadian Conference of Catholic Bishops
4. Canadian Labour Congress
5. Canadian Psychological Association
6. Canadian Unitarian Council
7. Canadians for Equal Marriage
8. Centrale des syndicats du Québec
9. Cere, Daniel
10. Chinese Canadian National Council
11. Chipeur, Gerald
12. Christian Legal Fellowship

13. Coalition of Canadian Liberal Rabbis
14. Coalition québécoise pour le mariage civil des couples de même sexe
  - Coalition des québécois gais et lesbiennes
  - Table de concertation des gais et lesbiennes du Québec
15. Defend Marriage – Roy Beyer
16. ÉGALE
17. Enshrine Marriage Canada - William Gairdner
18. Evangelical Fellowship of Canada
19. Fédération des femmes du Québec
20. Focus on the Family
21. Goertzen, Bruce (Saskatchewan)
22. Islamic Council of Imams – Canada
23. Jubilee Centre for Christian Social Action – Kwok Choong
24. Kisilowsky, Kevin (Manitoba)
25. Knights of Columbus (B.C.)
26. Kroll, Ian
27. Law Commission of Canada
28. Metropolitan Community Church of Toronto
29. Miller, Dallas
30. Muslim Canadian Congress
31. National Association of Women and the Law
32. Ontario Gurdwara Committee – Amarjit Singh Mann
33. Pentecostal Assemblies of Canada
34. PFLAG
35. REAL women of Canada

36. Ryder, Bruce

37. Signatory of open letter TBD

38. Somerville, Margaret

39. The Vaad Harabbonim of Toronto

40. United Church of Canada

41. World Sikh Organization

By unanimous consent, the motion was allowed to stand.

Pursuant to the Order of Reference of Wednesday, May 4, 2005, the Committee resumed consideration of Bill C-38, An Act respecting certain aspects of legal capacity for marriage for civil purposes.

Alex Munter and Laurie Arron made statements and answered questions.

At 5:29 p.m., the Committee adjourned to the call of the Chair.

Jean-François Pagé  
Clerk of the Committee

2005/05/27 10:22 a.m.

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HOUSE OF COMMONS OF CANADA  
38th PARLIAMENT, 1st SESSION

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**MINUTES OF PROCEEDINGS**  
**LEGISLATIVE COMMITTEE ON BILL C-38**

Chair: Marcel Proulx. Lib.

**Meeting No. 5**

**Tuesday, May 17, 2005**

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**ORDER OF THE DAY:**

The Committee proceeded to the consideration of matters related to Committee business.

**MEMBERS OF THE COMMITTEE PRESENT:**

Rona Ambrose,  
Françoise Boivin,  
Hon. Don Boudria,  
Paul Harold Macklin,  
Richard Marceau,  
Réal Ménard,  
Rob Moore,  
Anita Neville,  
Marcel Proulx,  
Michael John Savage,  
Bill Siksay,  
Vic Toews  
and M. K. Warawa.

**IN ATTENDANCE:**

*Library of Parliament:*  
Mary Hurley, Analyst.

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Jean-François Pagé  
Clerk of the Committee



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## MINUTES OF PROCEEDINGS

Meeting No. 5

Tuesday, May 17, 2005

The Legislative Committee on Bill C-38 met at 3:30 p.m. this day, in Room 269 West Block, the Chair, Marcel Proulx, presiding.

*Members of the Committee present:* Rona Ambrose, Françoise Boivin, Hon. Don Boudria, Paul Harold Macklin, Richard Marceau, Réal Ménard, Rob Moore, Anita Neville, Marcel Proulx, Michael John Savage, Bill Siksay, Vic Toews and Mark Warawa.

*In attendance: Library of Parliament:* Mary Hurley, Analyst.

The Committee resumed its consideration of matters related to Committee business.

At 3:44 p.m., the sitting was suspended.

At 3:52 p.m., the sitting resumed.

At 3:56 p.m., the sitting was suspended.

At 4:06 p.m., the sitting resumed.

At 4:22 p.m., the Committee adjourned to the call of the Chair.

Jean-François Pagé  
Clerk of the Committee

2005/05/27 10:23 a.m.

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HOUSE OF COMMONS OF CANADA  
38th PARLIAMENT, 1st SESSION

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**MINUTES OF PROCEEDINGS**  
**LEGISLATIVE COMMITTEE ON BILL C-38**

Chair: Marcel Proulx, Lib.

**Meeting No. 6**

Wednesday, May 18, 2005

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**ORDERS OF THE DAY:**

The Committee proceeded to the consideration of matters related to Committee business.

Pursuant to the Order of Reference of Wednesday, May 4, 2005, the Committee resumed consideration of Bill C-38, An Act respecting certain aspects of legal capacity for marriage for civil purposes.

**MEMBERS OF THE COMMITTEE PRESENT:**

Hon. Don Boudria,  
Gord Brown,  
Peter Julian,  
Paul Harold Macklin,  
Richard Marceau,  
Réal Ménard,  
Rob Moore,  
Anita Neville,  
Marcel Proulx,  
Michael John Savage,  
Joy Smith  
and Vic Toews.

**IN ATTENDANCE:**

*Library of Parliament:*  
Mary Hurley, Analyst.



**WITNESSES:**

*Canadian Conference of Catholic Bishops:*

Hélène Aubé, Lawyer.

*Evangelical Fellowship of Canada:*

Bruce Clemenger, President;

Janet Epp Buckingham, Director, Law and Public Policy.

*Canadian Conference of Catholic Bishops:*

Marcel Gervais, Archbishop , Diocese of Ottawa.

*Christian Legal Fellowship :*

Valerie A. Hazlett Parker, Lawyer;

Ruth A.M. Ross, Executive Director.

*Jubilee Centre for Christian Social Action:*

Dominic Tse, President.

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Jean-François Pagé  
Clerk of the Committee

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## MINUTES OF PROCEEDINGS

Meeting No. 6

Wednesday, May 18, 2005

The Legislative Committee on Bill C-38 met in a televised session at 3:50 p.m. this day, in Room 237-C Centre Block, the Chair, Marcel Proulx, presiding.

*Members of the Committee present:* Hon. Don Boudria, Gord Brown, Peter Julian, Paul Harold Macklin, Richard Marceau, Réal Ménard, Rob Moore, Anita Neville, Marcel Proulx, Michael John Savage, Joy Smith and Vic Toews.

*In attendance: Library of Parliament:* Mary Hurley, Analyst.

*Witnesses: Canadian Conference of Catholic Bishops:* Hélène Aubé, Lawyer. *Evangelical Fellowship of Canada:* Bruce Clemenger, President; Janet Epp Buckingham, Director, Law and Public Policy.

*Canadian Conference of Catholic Bishops:* Marcel Gervais, Archbishop, Diocese of Ottawa. *Christian Legal Fellowship:* Valerie A. Hazlett Parker, Lawyer; Ruth A.M. Ross, Executive Director. *Jubilee Centre for Christian Social Action:* Dominic Tse, President.

The Committee resumed consideration of matters related to Committee business.

- First Report from the Sub-Committee on Agenda and Procedure

Vic Toews moved, — That the committee invite the Catholic Civil Rights League to appear before it to give testimony on Bill C-38, An Act respecting certain aspects of legal capacity for marriage for civil purposes;

That the committee invite Iain Benson (Centre for Cultural Renewal) to appear before it to give testimony on Bill C-38, An Act respecting certain aspects of legal capacity for marriage for civil purposes;

That the committee invite Joseph Ben-Ami to appear before it to give testimony on Bill C-38, An Act respecting certain aspects of legal capacity for marriage for civil purposes;

That the committee invite John McKellar to appear before it to give testimony on Bill C-38, An Act respecting certain aspects of legal capacity for marriage for civil purposes;

That the committee invite Fred Henry (Bishop of Calgary) to appear before it to give testimony on Bill C-38, An Act respecting certain aspects of legal capacity for marriage for civil purposes;

That the committee invite Christian Reformed Churches of Canada to appear before it to give testimony on Bill C-38, An Act respecting certain aspects of legal capacity for marriage for civil purposes;

That the committee invite Alan Brudner (University of Toronto) to appear before it to give testimony on Bill C-38, An Act respecting certain aspects of legal capacity for marriage for civil purposes;

That the committee invite Fred DeCoste (University of Alberta) to appear before it to give testimony on

Bill C-38, An Act respecting certain aspects of legal capacity for marriage for civil purposes;

That the committee invite Katherine Young (McGill University) to appear before it to give testimony on Bill C-38, An Act respecting certain aspects of legal capacity for marriage for civil purposes;

That the committee invite David Brown to appear before it to give testimony on Bill C-38, An Act respecting certain aspects of legal capacity for marriage for civil purposes;

That the committee invite Peter Lauwers to appear before it to give testimony on Bill C-38, An Act respecting certain aspects of legal capacity for marriage for civil purposes;

That the committee invite Rabbi David Novak to appear before it to give testimony on Bill C-38, An Act respecting certain aspects of legal capacity for marriage for civil purposes;

That the committee invite Dr. David Mainse to appear before it to give testimony on Bill C-38, An Act respecting certain aspects of legal capacity for marriage for civil purposes;

That the committee invite Doug Farrow to appear before it to give testimony on Bill C-38, An Act respecting certain aspects of legal capacity for marriage for civil purposes;

That the committee invite Chris Kempling to appear before it to give testimony on Bill C-38, An Act respecting certain aspects of legal capacity for marriage for civil purposes;

That the committee invite Ted Morton, M.L.A. to appear before it to give testimony on Bill C-38, An Act respecting certain aspects of legal capacity for marriage for civil purposes;

That the committee invite Stanley Hartt to appear before it to give testimony on Bill C-38, An Act respecting certain aspects of legal capacity for marriage for civil purposes;

That the committee invite Pat O'Brien, M.P., to appear before it to give testimony on Bill C-38, An Act respecting certain aspects of legal capacity for marriage for civil purposes;

That the committee invite Bill Johnstone to appear before it to give testimony on Bill C-38, An Act respecting certain aspects of legal capacity for marriage for civil purposes;

That the committee invite Diz Dichmont to appear before it to give testimony on Bill C-38, An Act respecting certain aspects of legal capacity for marriage for civil purposes;

That the committee invite Cecil Patey to appear before it to give testimony on Bill C-38, An Act respecting certain aspects of legal capacity for marriage for civil purposes; and

That the committee invite the Canadian Islamic Congress to appear before it to give testimony on Bill C-38, An Act respecting certain aspects of legal capacity for marriage for civil purposes

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At 5:31 p.m., the sitting was suspended.

At 6:25 p.m., the sitting resumed.

Pursuant to the Order of Reference of Wednesday, May 4, 2005, the Committee resumed consideration of Bill C-38, An Act respecting certain aspects of legal capacity for marriage for civil purposes.

Ruth Ross, Valerie A. Hazlett Parker, Dominic Tse, Janet Epp Buckingham, Bruce Clemenger, Archbishop Gervais and Hélène Aubé made statements and answered questions.

At 8:27 p.m., the Committee adjourned to the call of the Chair.

Jean-François Pagé  
Clerk of the Committee

2005/06/01 1:29 p.m.

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HOUSE OF COMMONS OF CANADA  
38th PARLIAMENT, 1st SESSION

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**MINUTES OF PROCEEDINGS**  
**LEGISLATIVE COMMITTEE ON BILL C-38**

Chair: Marcel Proulx, Lib.

**Meeting No. 7**

**Monday, May 30, 2005**

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**ORDER OF THE DAY:**

The Committee resumed consideration of matters related to Committee business.

**MEMBERS OF THE COMMITTEE PRESENT:**

Françoise Boivin  
Hon. Don Boudria  
Garry Breitkreuz  
Paul DeVillers  
Barry Devolin  
Hon. Paul Harold Macklin  
Richard Marceau  
Réal Ménard  
Anita Neville  
Marcel Proulx  
Scott Reid  
Bill Siksay  
Vic Toews.

**IN ATTENDANCE:**

*Library of Parliament:*

Mary Hurley, Analyst.

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Jean-François Pagé  
Clerk of the Committee

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## MINUTES OF PROCEEDINGS

Meeting No. 7

Monday, May 30, 2005

The Legislative Committee on Bill C-38 met in a televised session at 3:31 p.m. this day, in Room 237-C Centre Block, the Chair, Marcel Proulx, presiding.

*Members of the Committee present:* Françoise Boivin, Don Boudria, Garry Breitkreuz, Paul DeVillers, Barry Devolin, Paul Harold Macklin, Richard Marceau, Réal Ménard, Anita Neville, Marcel Proulx, Scott Reid, Bill Siksay and Vic Toews.

*In attendance: Library of Parliament:* Mary Hurley, Analyst.

The Committee resumed consideration of the motion proposed by Vic Toews.

At 3:40 p.m., the sitting was suspended.

At 4:00 p.m., the sitting resumed.

By unanimous consent, it was agreed, — That the committee agree to the following schedule of business: that the list of 22 names of witnesses submitted by Mr. Toews be accepted; that the list of names submitted by the subcommittee be accepted; that the date for ending the hearings on witnesses be concluded on June 14; that the clause by clause be terminated no later than June 15; that the bill be reported to the House no later than June 16, 2005.

At 4:10 p.m., the Committee adjourned to the call of the Chair.

Jean-François Pagé  
Clerk of the Committee

2005/06/02 2:43 p.m.

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HOUSE OF COMMONS OF CANADA  
38th PARLIAMENT, 1st SESSION

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**MINUTES OF PROCEEDINGS**  
**LEGISLATIVE COMMITTEE ON BILL C-38**

Chair: Marcel Proulx, Lib.

**Meeting No. 8**

**Tuesday, May 31, 2005**

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**ORDER OF THE DAY:**

Pursuant to the Order of Reference of Wednesday, May 4, 2005, the Committee resumed consideration of Bill C-38, An Act respecting certain aspects of legal capacity for marriage for civil purposes.

**MEMBERS OF THE COMMITTEE PRESENT:**

Françoise Boivin  
Hon. Don Boudria  
Brian Jean  
Hon. Paul Harold Macklin,  
Richard Marceau  
Rob Merrifield  
Rob Moore  
Marcel Proulx  
Michael John Savage  
Andrew Scheer  
Mark Warawa.

**WITNESSES:**

*Catholic Civil Rights League:*

Richard Bastien, Director, National Capital Region  
Philip Horgan, President.

*Canadian Labour Congress:*

Marie Clarke Walker, Executive Vice-President.

*Parents, Families and Friends of Lesbian and Gay Persons (Canada):*

Bill Hawke, Member  
Dennis Stimson, Member.

*House of Commons:*

Pat O'Brien, London—Fanshawe.

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Jean-François Pagé  
Clerk of the Committee

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## MINUTES OF PROCEEDINGS

Meeting No. 8

Tuesday, May 31, 2005

The Legislative Committee on Bill C-38 met in a televised session at 3:34 p.m. this day, in Room 237-C Centre Block, the Chair, Marcel Proulx, presiding.

*Members of the Committee present:* Françoise Boivin, Don Boudria, Brian Jean, Paul Harold Macklin, Richard Marceau, Rob Merrifield, Rob Moore, Marcel Proulx, Michael John Savage, Andrew Scheer and Mark Warawa.

*Witnesses:* *Catholic Civil Rights League:* Richard Bastien, Director, Ottawa. *Canadian Labour Congress:* Marie Clarke Walker, Executive Vice-President. *Parents, Families and Friends of Lesbian and Gay Persons (Canada):* Bill Hawke, Member. *Catholic Civil Rights League:* Philip Horgan, President. *House of Commons:* Pat O'Brien, London—Fanshawe. *Parents, Families and Friends of Lesbian and Gay Persons (Canada):* Dennis Stimson, Member.

Pursuant to the Order of Reference of Wednesday, May 4, 2005, the Committee resumed consideration of Bill C-38, An Act respecting certain aspects of legal capacity for marriage for civil purposes.

The witnesses made statements and answered questions.

At 5:32 p.m., the Committee adjourned to the call of the Chair.

Jean-François Pagé  
Clerk of the Committee

2005/06/02 2:58 p.m.

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HOUSE OF COMMONS OF CANADA  
38th PARLIAMENT, 1st SESSION

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**MINUTES OF PROCEEDINGS**  
**LEGISLATIVE COMMITTEE ON BILL C-38**

Chair: Marcel Proulx, Lib.

**Meeting No. 9**

**Wednesday, June 1, 2005**

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**ORDER OF THE DAY:**

Pursuant to the Order of Reference of Wednesday, May 4, 2005, the Committee resumed consideration of Bill C-38, An Act respecting certain aspects of legal capacity for marriage for civil purposes.

**MEMBERS OF THE COMMITTEE PRESENT:**

Françoise Boivin  
Hon. Don Boudria  
Gord Brown  
Brian Jean  
Hon. Paul Harold Macklin  
Richard Marceau  
Rob Moore  
Anita Neville  
Marcel Proulx  
Michael John Savage  
Bill Siksay  
Vic Toews

**IN ATTENDANCE:**

*Library of Parliament:*  
Mary Hurley, Analyst.

**WITNESSES:**

*Law Commission of Canada:*

Nathalie Des Rosiers, President.

Lorraine Pelot, Senior Research Officer.

*World Sikh Organization of Canada:*

Anne Lowthian, Executive Director.

Ajit Singh Sahota, President.

*The United Church of Canada:*

Choice U. Okoro, Program Officer, Human Rights and  
Reconciliation Initiatives.

Anne Squire, Former Moderator.

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Jean-François Pagé  
Clerk of the Committee

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## MINUTES OF PROCEEDINGS

Meeting No. 9

Wednesday, June 1, 2005

The Legislative Committee on Bill C-38 met in a televised session at 3:31 p.m. this day, in Room 253-D Centre Block, the Chair, Marcel Proulx, presiding.

*Members of the Committee present:* Françoise Boivin, Don Boudria, Gord Brown, Brian Jean, Paul Harold Macklin, Richard Marceau, Rob Moore, Anita Neville, Marcel Proulx, Michael John Savage, Bill Siksay and Vic Toews.

*In attendance: Library of Parliament:* Mary Hurley, Analyst.

*Witnesses: Law Commission of Canada:* Nathalie Des Rosiers, President. *World Sikh Organization of Canada:* Anne Lowthian, Executive Director. *The United Church of Canada:* Choice U. Okoro, Program Officer, Human Rights and Reconciliation Initiatives. *Law Commission of Canada:* Lorraine Pelot, Senior Research Officer. *World Sikh Organization of Canada:* Ajit Singh Sahota, President. *The United Church of Canada:* Anne Squire, Former Moderator.

Pursuant to the Order of Reference of Wednesday, May 4, 2005, the Committee resumed consideration of Bill C-38, An Act respecting certain aspects of legal capacity for marriage for civil purposes.

The witnesses made statements and answered questions.

At 5:33 p.m., the Committee adjourned to the call of the Chair.

Jean-François Pagé  
Clerk of the Committee

2005/06/03 10:25 a.m.

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HOUSE OF COMMONS OF CANADA  
38th PARLIAMENT, 1st SESSION

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**MINUTES OF PROCEEDINGS**  
**LEGISLATIVE COMMITTEE ON BILL C-38**

Chair: Marcel Proulx.

**Meeting No. 10**

**Thursday, June 2, 2005**

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**ORDER OF THE DAY:**

Pursuant to the Order of Reference of Wednesday, May 4, 2005, the Committee resumed consideration of Bill C-38, An Act respecting certain aspects of legal capacity for marriage for civil purposes.

**MEMBERS OF THE COMMITTEE PRESENT:**

Hon. Don Boudria,  
Gord Brown,  
Brian Jean,  
Hon. Paul Harold Macklin,  
Richard Marceau,  
Réal Ménard,  
Rob Moore,  
Marcel Proulx,  
Michael John Savage,  
Bill Siksay  
and Vic Toews.

**IN ATTENDANCE:**

*Library of Parliament:*  
Mary Hurley, Analyst.

**WITNESSES:**

*Canadian Bar Association:*

Sean Foreman, Chair, Sexual Orientation and Gender Identity Conference.

*REAL Women of Canada:*

Gwendolyn Landolt, National Vice-President.

*Canadian Bar Association:*

James Lebo, Member, Legislation and Law Reform Committee.

*Islamic Council of Imams-Canada:*

Abdul Hai Patel, Coordinator.

*McGill Centre for Medicine, Ethics and Law:*

Margaret Somerville, Samuel Gale Professor of Law.

*REAL Women of Canada:*

Diane Watts, Researcher.

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Jean-François Pagé  
Clerk of the Committee

[Français](#)[Close](#)

## MINUTES OF PROCEEDINGS

Meeting No. 10

Thursday, June 2, 2005

The Legislative Committee on Bill C-38 met at 3:28 p.m. this day, in Room 308 West Block, the Chair, Marcel Proulx, presiding.

*Members of the Committee present:* Don Boudria, Gord Brown, Brian Jean, Paul Harold Macklin, Richard Marceau, Réal Ménard, Rob Moore, Marcel Proulx, Michael John Savage, Bill Siksay and Vic Toews.

*In attendance: Library of Parliament:* Mary Hurley, Analyst.

*Witnesses: Canadian Bar Association:* Sean Foreman, Chair, Sexual Orientation and Gender Identity Conference. *REAL Women of Canada:* Gwendolyn Landolt, National Vice-President. *Canadian Bar Association:* James Lebo, Member, Legislation and Law Reform Committee. *Islamic Council of Imams-Canada:* Abdul Hai Patel, Coordinator. *McGill Centre for Medicine, Ethics and Law:* Margaret Somerville, Samuel Gale Professor of Law. *REAL Women of Canada:* Diane Watts, Researcher.

Pursuant to the Order of Reference of Wednesday, May 4, 2005, the Committee resumed consideration of Bill C-38, An Act respecting certain aspects of legal capacity for marriage for civil purposes.

It was agreed, — That the proposed budget in the amount of \$102,475.00 be adopted and that the Chair present the said budget to the Board of Internal Economy.

The witnesses made statements and answered questions.

At 5:31 p.m., the Committee adjourned to the call of the Chair.

Jean-François Pagé  
Clerk of the Committee

2005/06/07 9:00 a.m.

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HOUSE OF COMMONS OF CANADA  
38th PARLIAMENT, 1st SESSION

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**MINUTES OF PROCEEDINGS**  
**LEGISLATIVE COMMITTEE ON BILL C-38**

Chair: Marcel Proulx. Lib.

**Meeting No. 11**

**Thursday, June 2, 2005**

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**ORDER OF THE DAY:**

Pursuant to the Order of Reference of Wednesday, May 4, 2005, the Committee resumed consideration of Bill C-38, An Act respecting certain aspects of legal capacity for marriage for civil purposes.

**MEMBERS OF THE COMMITTEE PRESENT:**

Don Boudria,  
Gord Brown,  
Paul Harold Macklin,  
Réal Ménard,  
Rob Moore,  
Marcel Proulx,  
Michael John Savage  
and Mark Warawa.

**IN ATTENDANCE:**

*Library of Parliament:*  
Mary Hurley, Analyst.

**WITNESSES:**

*Canadian Islamic Congress:*

Khurram Awan, Member.

*As an Individual:*

David M. Brown, Barrister and Solicitor.

*Canadian Psychological Association:*

Karen Cohen, Associate Executive Director and Registrar.

*Pentecostal Assemblies of Canada:*

Ted Seres, National Coordinator, Specialized Ministries.

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Jean-François Pagé  
Clerk of the Committee

**Français** [Close](#)

## MINUTES OF PROCEEDINGS

Meeting No. 11

Thursday, June 2, 2005

The Legislative Committee on Bill C-38 met at 6:03 p.m. this day, in Room 308 West Block, the Chair, Marcel Proulx, presiding.

*Members of the Committee present:* Don Boudria, Gord Brown, Paul Harold Macklin, Réal Ménard, Rob Moore, Marcel Proulx, Michael John Savage and Mark Warawa.

*In attendance: Library of Parliament:* Mary Hurley, Analyst.

*Witnesses: Canadian Islamic Congress:* Khurram Awan, Member. *As an Individual:* David M. Brown, Barrister and Solicitor. *Canadian Psychological Association:* Karen Cohen, Associate Executive Director and Registrar. *Pentecostal Assemblies of Canada:* Ted Seres, National Coordinator, Specialized Ministries.

Pursuant to the Order of Reference of Wednesday, May 4, 2005, the Committee resumed consideration of Bill C-38, An Act respecting certain aspects of legal capacity for marriage for civil purposes.

The witnesses made statements and answered questions.

At 8:08 p.m., the Committee adjourned to the call of the Chair.

Jean-François Pagé  
Clerk of the Committee

2005/06/07 9:00 a.m.

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HOUSE OF COMMONS OF CANADA  
38th PARLIAMENT, 1st SESSION

---

**MINUTES OF PROCEEDINGS**  
**LEGISLATIVE COMMITTEE ON BILL C-38**

Chair: Marcel Proulx. Lib.

**Meeting No. 12**

**Monday, June 6, 2005**

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**ORDER OF THE DAY:**

Pursuant to the Order of Reference of Wednesday, May 4, 2005, the Committee resumed consideration of Bill C-38, An Act respecting certain aspects of legal capacity for marriage for civil purposes.

**MEMBERS OF THE COMMITTEE PRESENT:**

Françoise Boivin,  
Don Boudria,  
Garry Breitkreuz,  
Gord Brown,  
Brian Jean,  
Paul Harold Macklin,  
Richard Marceau,  
Anita Neville,  
Marcel Proulx,  
Bill Siksay  
and Vic Toews.

**IN ATTENDANCE:**

*Library of Parliament:*  
Mary Hurley, Analyst.



**WITNESSES:**

*As Individuals:*

Alan Brudner;

Daniel Cere, Professor, McGill University, Institute for the Study  
of Marriage Law and Culture;

Chris Kempling.

*Chinese Canadian National Council:*

Jonas Ma, President.

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Jean-François Pagé  
Clerk of the Committee

**Français** [Close](#)

## MINUTES OF PROCEEDINGS

Meeting No. 12

Monday, June 6, 2005

The Legislative Committee on Bill C-38 met in a televised session at 3:31 p.m. this day, in Room 237-C Centre Block, the Chair, Marcel Proulx, presiding.

*Members of the Committee present:* Françoise Boivin, Don Boudria, Garry Breitkreuz, Gord Brown, Brian Jean, Paul Harold Macklin, Richard Marceau, Anita Neville, Marcel Proulx, Bill Siksay and Vic Toews.

*In attendance: Library of Parliament:* Mary Hurley, Analyst.

*Witnesses: As Individuals:* Alan Brudner; Daniel Cere, Professor, McGill University, Institute for the Study of Marriage Law and Culture; Chris Kempling. *Chinese Canadian National Council:* Jonas Ma, President.

Pursuant to the Order of Reference of Wednesday, May 4, 2005, the Committee resumed consideration of Bill C-38, An Act respecting certain aspects of legal capacity for marriage for civil purposes.

The witnesses made statements and answered questions.

At 5:37 p.m., the Committee adjourned to the call of the Chair.

Jean-François Pagé  
Clerk of the Committee

2005/06/07 10:20 a.m.

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HOUSE OF COMMONS OF CANADA  
38th PARLIAMENT, 1st SESSION

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**MINUTES OF PROCEEDINGS**  
**LEGISLATIVE COMMITTEE ON BILL C-38**

Chair: Marcel Proulx, Lib.

**Meeting No. 13**

**Monday, June 6, 2005**

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**ORDER OF THE DAY:**

Pursuant to the Order of Reference of Wednesday, May 4, 2005, the Committee resumed consideration of Bill C-38, An Act respecting certain aspects of legal capacity for marriage for civil purposes.

**MEMBERS OF THE COMMITTEE PRESENT:**

Françoise Boivin,  
Don Boudria,  
Brian Jean,  
Jason Kenney,  
Paul Harold Macklin,  
Réal Ménard,  
Rob Moore,  
Anita Neville,  
Marcel Proulx,  
Bill Siksay  
and Vic Toews.

**OTHER MEMBERS PRESENT:**

Garry Breitkreuz,  
Art Hanger,  
Pat O'Brien,  
Paul Szabo  
and Jeff Watson.

**IN ATTENDANCE:**

*Library of Parliament:*  
Mary Hurley, Analyst.

**WITNESSES:**

*As an Individual:*  
Joseph Ben-Ami.

*Canadian Unitarian Council:*  
Elizabeth Bowen, Past President.

*Roman Catholic Diocese of Calgary:*  
Fred Henry, Bishop.

*Canadian Unitarian Council:*  
Brian Kopke, Reverend, First Unitarian Congregation of Ottawa.

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Jean-François Pagé  
Clerk of the Committee



**Français** [Close](#)**MINUTES OF PROCEEDINGS**

Meeting No. 13

Monday, June 6, 2005

The Legislative Committee on Bill C-38 met in a televised session at 6:12 p.m. this day, in Room 237-C Centre Block, the Chair, Marcel Proulx, presiding.

*Members of the Committee present:* Françoise Boivin, Don Boudria, Brian Jean, Jason Kenney, Paul Harold Macklin, Réal Ménard, Rob Moore, Anita Neville, Marcel Proulx, Bill Siksay and Vic Toews.

*Other Members present:* Garry Breitkreuz, Art Hanger, Pat O'Brien, Paul Szabo and Jeff Watson.

*In attendance: Library of Parliament:* Mary Hurley, Analyst.

*Witnesses: As an Individual:* Joseph Ben-Ami. *Canadian Unitarian Council:* Elizabeth Bowen, Past President. *Roman Catholic Diocese of Calgary:* Fred Henry, Bishop. *Canadian Unitarian Council:* Brian Kopke, The Reverend, First Unitarian Congregation of Ottawa.

Pursuant to the Order of Reference of Wednesday, May 4, 2005, the Committee resumed consideration of Bill C-38, An Act respecting certain aspects of legal capacity for marriage for civil purposes.

The witnesses made statements and answered questions.

At 8:05 p.m., the Committee adjourned to the call of the Chair.

Jean-François Pagé  
Clerk of the Committee

2005/06/07 10:21 a.m.

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HOUSE OF COMMONS OF CANADA  
38th PARLIAMENT, 1st SESSION

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**MINUTES OF PROCEEDINGS**  
**LEGISLATIVE COMMITTEE ON BILL C-38**

Chair: Marcel Proulx, Lib.

**Meeting No. 14**

**Tuesday, June 7, 2005**

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**ORDER OF THE DAY:**

Pursuant to the Order of Reference of Wednesday, May 4, 2005, the Committee resumed consideration of Bill C-38, An Act respecting certain aspects of legal capacity for marriage for civil purposes.

**MEMBERS OF THE COMMITTEE PRESENT:**

Françoise Boivin,  
Hon. Don Boudria,  
Gord Brown,  
Brian Jean,  
Hon. Paul Harold Macklin,  
Richard Marceau,  
Rob Moore,  
Marcel Proulx,  
Michael John Savage,  
Bill Siksay  
and Vic Toews.

**IN ATTENDANCE:**

*Library of Parliament:*  
Mary Hurley, Analyst.

**WITNESSES:**

*As Individuals:*

Diz Dichmont;  
Doug Farrow;  
Ted Morton;  
Cecil Patey.

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Jean-François Pagé  
Clerk of the Committee

[Français](#) [Close](#)

## MINUTES OF PROCEEDINGS

Meeting No. 14

Tuesday, June 7, 2005

The Legislative Committee on Bill C-38 met in a televised session at 3:30 p.m. this day, in Room 253-D Centre Block, the Chair, Marcel Proulx, presiding.

*Members of the Committee present:* Françoise Boivin, Don Boudria, Gord Brown, Brian Jean, Paul Harold Macklin, Richard Marceau, Rob Moore, Marcel Proulx, Michael John Savage, Bill Siksay and Vic Toews.

*In attendance: Library of Parliament:* Mary Hurley, Analyst.

*Witnesses: As Individuals:* Diz Dichmont; Doug Farrow; Ted Morton; Cecil Patey.

Pursuant to the Order of Reference of Wednesday, May 4, 2005, the Committee resumed consideration of Bill C-38, An Act respecting certain aspects of legal capacity for marriage for civil purposes.

The witnesses made statements and answered questions.

At 5:27 p.m., the Committee adjourned to the call of the Chair.

Jean-François Pagé  
Clerk of the Committee

2005/06/08 10:15 a.m.

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HOUSE OF COMMONS OF CANADA  
38th PARLIAMENT, 1st SESSION

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**MINUTES OF PROCEEDINGS**  
**LEGISLATIVE COMMITTEE ON BILL C-38**

Chair: Marcel Proulx. Lib.

**Meeting No. 15**


**Wednesday, June 8, 2005**

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**ORDER OF THE DAY:**

Pursuant to the Order of Reference of Wednesday, May 4, 2005, the Committee resumed consideration of Bill C-38, An Act respecting certain aspects of legal capacity for marriage for civil purposes.

**MEMBERS OF THE COMMITTEE PRESENT:**

Françoise Boivin,  
Don Boudria,  
Gord Brown,  
Brian Jean,  
Paul Harold Macklin,  
Richard Marceau,  
Réal Ménard,  
Rob Moore,  
Anita Neville,  
Marcel Proulx,  
Michael John Savage,  
Bill S. Day  
and  Toews.

**OTHER MEMBERS PRESENT:**

John McKay  
and Alan Tonks.

**WITNESSES:**

*Vaad Harabbonim of Toronto:*

Saul Anisfeld, Vice-President, Agudath Israel of Toronto;  
Michael Brown, Member, Public Advocacy Office.

*Coalition québécoise pour la reconnaissance des conjoints et conjointes  
de même sexe:*

Évangéline Caldwell, Spokesperson;  
Claude Côté, Member.

*As an Individual:*

Peter D. Lauwers, Lawyer, Miller Thomson LLP.

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Jean-François Pagé  
Clerk of the Committee

Français

Close

## MINUTES OF PROCEEDINGS

Meeting No. 15

Wednesday, June 8, 2005

The Legislative Committee on Bill C-38 met in a televised session at 3:30 p.m. this day, in Room 237-C Centre Block, the Chair, Marcel Proulx, presiding.

*Members of the Committee present:* Françoise Boivin, Don Boudria, Gord Brown, Brian Jean, Paul Harold Macklin, Richard Marceau, Réal Ménard, Rob Moore, Anita Neville, Marcel Proulx, Michael John Savage, Bill Siksay and Vic Toews.

*Other Members present:* John McKay and Alan Tonks.

*Witnesses: Vaad Harabbonim of Toronto:* Saul Anisfeld, Vice-President, Agudath Israel of Toronto; Michael Brown, Member, Public Advocacy Office. *Coalition québécoise pour la reconnaissance des conjoints et conjointes de même sexe:* Évangéline Caldwell, Spokesperson; Claude Côté, Member. *As an Individual:* Peter D. Lauwers, Lawyer, Miller Thomson LLP.

Pursuant to the Order of Reference of Wednesday, May 4, 2005, the Committee resumed consideration of Bill C-38, An Act respecting certain aspects of legal capacity for marriage for civil purposes.

The witnesses made statements and answered questions.

At 5:31 p.m., the Committee adjourned to the call of the Chair.

Jean-François Pagé  
Clerk of the Committee

2005/06/09 11:21 a.m.

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HOUSE OF COMMONS OF CANADA  
38th PARLIAMENT, 1st SESSION

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**MINUTES OF PROCEEDINGS**  
**LEGISLATIVE COMMITTEE ON BILL C-38**

Chair: Marcel Proulx, Lib.

**Meeting No. 16**

**Wednesday, June 8, 2005**

---

**ORDER OF THE DAY:**

Pursuant to the Order of Reference of Wednesday, May 4, 2005, the Committee resumed consideration of Bill C-38, An Act respecting certain aspects of legal capacity for marriage for civil purposes.

**MEMBERS OF THE COMMITTEE PRESENT:**

Françoise Boivin,  
Gord Brown,  
Russ Hiebert,  
Brian Jean,  
Hon. Paul Harold Macklin,  
Réal Ménard,  
Rob Moore,  
Anita Neville,  
Russ Powers,  
Marcel Proulx,  
Bill Siksay  
and Mark Warawa.

**WITNESSES:**

*Coalition of Canadian Liberal Rabbis:*  
Joanne Cohen, Coordinator.

*As Individuals:*

Bruce Goertzen;

Katherine K. Young, Professor, McGill University.

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Jean-François Pagé  
Clerk of the Committee

Français

Close

## MINUTES OF PROCEEDINGS

Meeting No. 16

Wednesday, June 8, 2005

The Legislative Committee on Bill C-38 met in a televised session at 6:45 p.m. this day, in Room 237-C Centre Block, the Chair, Marcel Proulx, presiding.

*Members of the Committee present:* Françoise Boivin, Gord Brown, Russ Hiebert, Brian Jean, Paul Harold Macklin, Réal Ménard, Rob Moore, Anita Neville, Russ Powers, Marcel Proulx, Bill Siksay and Mark Warawa.

*Witnesses: Coalition of Canadian Liberal Rabbis:* Joanne Cohen, Coordinator. *As Individuals:* Bruce Goertzen; Katherine K. Young, Professor, McGill University.

Pursuant to the Order of Reference of Wednesday, May 4, 2005, the Committee resumed consideration of Bill C-38, An Act respecting certain aspects of legal capacity for marriage for civil purposes.

The witnesses made statements and answered questions.

At 8:46 p.m., the Committee adjourned to the call of the Chair.

Jean-François Pagé  
Clerk of the Committee

2005/06/09 2:17 p.m.

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HOUSE OF COMMONS OF CANADA  
38th PARLIAMENT, 1st SESSION

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**MINUTES OF PROCEEDINGS**  
**LEGISLATIVE COMMITTEE ON BILL C-38**

Chair: Marcel Proulx. Lib.

**Meeting No. 17**

**Thursday, June 9, 2005**

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**ORDER OF THE DAY:**

Pursuant to the Order of Reference of Wednesday, May 4, 2005, the Committee resumed consideration of Bill C-38, An Act respecting certain aspects of legal capacity for marriage for civil purposes.

**MEMBERS OF THE COMMITTEE PRESENT:**

Françoise Boivin,  
Don Boudria,  
Gord Brown,  
Brian Jean,  
Dale Johnston,  
Jason Kenney,  
Paul Harold Macklin,  
Réal Ménard,  
Rob Moore,  
Anita Neville,  
Marcel Proulx,  
Michael John Savage  
and Bill Siksay.

**OTHER MEMBERS PRESENT:**

Russ Hiebert.



**IN ATTENDANCE:**

*Library of Parliament:*  
Mary Hurley, Analyst.

**WITNESSES:**

*Defend Marriage Coalition:*  
Roy Beyer, Operations Director;  
Charles McVety, Senior Director.

*Barreau du Québec:*  
Nicole Dufour, Lawyer, Research and Legislation Service.

*As Individuals:*  
Kevin Kisilowsky;  
David Novak, University of Toronto.

*Barreau du Québec:*  
Eva Petras, Lawyer.

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Jean-François Pagé  
Clerk of the Committee

**Français** Close**MINUTES OF PROCEEDINGS**

Meeting No. 17

Thursday, June 9, 2005

The Legislative Committee on Bill C-38 met in a televised session at 3:31 p.m. this day, in Room 237-C Centre Block, the Chair, Marcel Proulx, presiding.

*Members of the Committee present:* Françoise Boivin, Don Boudria, Gord Brown, Brian Jean, Dale Johnston, Jason Kenney, Paul Harold Macklin, Réal Ménard, Rob Moore, Anita Neville, Marcel Proulx, Michael John Savage and Bill Siksay.

*Other Members present:* Russ Hiebert.

*In attendance: Library of Parliament:* Mary Hurley, Analyst.

*Witnesses: Defend Marriage Coalition:* Roy Beyer, Operations Director; Charles McVety, Senior Director. *Barreau du Québec:* Nicole Dufour, Lawyer, Research and Legislation Service. *As Individuals:* Kevin Kisilowsky; David Novak, University of Toronto. *Barreau du Québec:* Eva Petras, Lawyer.

Pursuant to the Order of Reference of Wednesday, May 4, 2005, the Committee resumed consideration of Bill C-38, An Act respecting certain aspects of legal capacity for marriage for civil purposes.

The witnesses made statements and answered questions.

At 5:35 p.m., the Committee adjourned to the call of the Chair.

Jean-François Pagé  
Clerk of the Committee

2005/06/10 3:07 p.m.

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HOUSE OF COMMONS OF CANADA  
38th PARLIAMENT, 1st SESSION

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**MINUTES OF PROCEEDINGS**  
**LEGISLATIVE COMMITTEE ON BILL C-38**

Chair: Marcel Proulx. Lib.

**Meeting No. 18**

**Thursday, June 9, 2005**

---

**ORDER OF THE DAY:**

Pursuant to the Order of Reference of Wednesday, May 4, 2005, the Committee resumed consideration of Bill C-38, An Act respecting certain aspects of legal capacity for marriage for civil purposes.

**MEMBERS OF THE COMMITTEE PRESENT:**

Françoise Boivin,  
Don Boudria,  
Brian Jean,  
Paul Harold Macklin,  
Réal Ménard,  
Rob Moore,  
Anita Neville,  
Marcel Proulx,  
Bill Siksay,  
Vic Toews  
and Mark Warawa.

**IN ATTENDANCE**

*Library of Parliament:*  
Mary Hurley, Analyst.

**WITNESSES:**

*As Individuals:*

Gerald Chipeur.

*Home School Legal Defence Association:*

Paul D. Faris, Executive Director and Senior Legal Counsel.

*Christian Reformed Churchs in Canada:*

Mike Hogeterp, Research and Communications Coordinator,  
Committee for Contact with the Government.

*As Individuals:*

Bill Johnstone.

*Christian Reformed Churchs in Canada:*

Christina Pleizier, Co-Chair, Committee for Contact with the  
Government.

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Jean-François Pagé  
Clerk of the Committee

 Close

## MINUTES OF PROCEEDINGS

Meeting No. 18

Thursday, June 9, 2005

The Legislative Committee on Bill C-38 met in a televised session at 6:02 p.m. this day, in Room 237-C Centre Block, the Chair, Marcel Proulx, presiding.

*Members of the Committee present:* Françoise Boivin, Don Boudria, Brian Jean, Paul Harold Macklin, Réal Ménard, Rob Moore, Anita Neville, Marcel Proulx, Bill Siksay, Vic Toews and Mark Warawa.

*In attendance: Library of Parliament:* Mary Hurley, Analyst.

*Witnesses: As an Individual:* Gerald Chipeur. *Home School Legal Defence Association:* Paul D. Faris, Executive Director and Senior Legal Counsel. *Christian Reformed Church in Canada:* Mike Hogeterp, Research and Communications Coordinator, Committee for Contact with the Government. *As an Individual:* Bill Johnstone. *Christian Reformed Church in Canada:* Christina Pleizier, Co-Chair, Committee for Contact with the Government.

Pursuant to the Order of Reference of Wednesday, May 4, 2005, the Committee resumed consideration of Bill C-38, An Act respecting certain aspects of legal capacity for marriage for civil purposes.

The witnesses made statements and answered questions.

At 8:12 p.m., the Committee adjourned to the call of the Chair.

Jean-François Pagé  
Clerk of the Committee

2005/06/10 3:08 p.m.

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HOUSE OF COMMONS OF CANADA  
38th PARLIAMENT, 1st SESSION

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**MINUTES OF PROCEEDINGS**  
**LEGISLATIVE COMMITTEE ON BILL C-38**

Chair: Marcel Proulx, Lib.

**Meeting No. 19**

**Monday, June 13, 2005**

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**ORDER OF THE DAY:**

Pursuant to the Order of Reference of Wednesday, May 4, 2005, the Committee resumed consideration of Bill C-38, An Act respecting certain aspects of legal capacity for marriage for civil purposes.

**MEMBERS OF THE COMMITTEE PRESENT:**

Françoise Boivin  
Hon. Don Boudria  
Gord Brown  
Brian Jean  
Marc Lemay  
Hon. Paul Harold Macklin  
Richard Marceau  
Rob Moore  
Anita Neville  
Marcel Proulx  
Bill Siksay  
Vic Toews  
Mark Warawa.

**IN ATTENDANCE:**

*Library of Parliament:*  
Mary Hurley, Analyst.

**WITNESSES:**

*As Individuals:*

Hugo Cyr, Professor, Faculté de science politique et de droit,  
Université du Québec à Montréal  
Bruce Ryder, Professor, Osgoode Hall Law School.

*Ontario Gurudwara's Committee:*

Harminder Kaur, Member  
Parminder Singh, Member.

*Focus on the Family Canada :*

Terence Rolston, President  
Anna Marie White, Director, Family Policy.

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Jean-François Pagé  
Clerk of the Committee

Français

Close

**MINUTES OF PROCEEDINGS**

Meeting No. 19

Monday, June 13, 2005

The Legislative Committee on Bill C-38 met in a televised session at 3:30 p.m. this day, in Room 253-D Centre Block, the Chair, Marcel Proulx, presiding.

*Members of the Committee present:* Françoise Boivin, Don Boudria, Gord Brown, Brian Jean, Marc Lemay, Paul Harold Macklin, Richard Marceau, Rob Moore, Anita Neville, Marcel Proulx, Bill Siksay, Vic Toews and Mark Warawa.

*In attendance: Library of Parliament:* Mary Hurley, Analyst.

*Witnesses: As an Individual:* Hugo Cyr, Professor, Faculté de science politique et de droit, Université du Québec à Montréal. *Ontario Gurudwara's Committee:* Harminder Kaur, Member. *Focus on the Family Canada :* Terence Rolston, President. *As an Individual:* Bruce Ryder, Professor, Osgoode Hall Law School. *Ontario Gurudwara's Committee:* Parminder Singh, Member. *Focus on the Family Canada :* Anna Marie White, Director, Family Policy.

Pursuant to the Order of Reference of Wednesday, May 4, 2005, the Committee resumed consideration of Bill C-38, An Act respecting certain aspects of legal capacity for marriage for civil purposes.

The witnesses made statements and answered questions.

At 5:28 p.m., the Committee adjourned to the call of the Chair.

Jean-François Pagé  
Clerk of the Committee

2005/06/14 9:23 a.m.

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HOUSE OF COMMONS OF CANADA  
38th PARLIAMENT, 1st SESSION

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**MINUTES OF PROCEEDINGS**  
**LEGISLATIVE COMMITTEE ON BILL C-38**

Chair: Marcel Proulx. Lib.

**Meeting No. 20**

**Tuesday, June 14, 2005**

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**ORDER OF THE DAY:**

Pursuant to the Order of Reference of Wednesday, May 4, 2005, the Committee resumed consideration of Bill C-38, An Act respecting certain aspects of legal capacity for marriage for civil purposes.

**MEMBERS OF THE COMMITTEE PRESENT:**

Françoise Boivin,  
Don Boudria,  
Gord Brown,  
Brian Jean,  
Paul Harold Macklin,  
Richard Marceau,  
Réal Ménard,  
Rob Moore,  
Marcel Proulx,  
Michael John Savage,  
Bill Siksay,  
Lloyd St. Amand,  
Vic Toews  
and Mark Warawa.

**OTHER MEMBERS PRESENT:**

James Lunney.



**IN ATTENDANCE:**

*Library of Parliament:*  
Mary Hurley, Analyst.

**WITNESSES:**

*Centre for Cultural Renewal:*  
Iain Benson, Executive Director.

*As an Individual:*  
Stanley Hartt.

*Crossroads Christian Communications:*  
David Mainse, Founder;  
Ian Purvis, Lawyer.

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Jean-François Pagé  
Clerk of the Committee

Français

[Close](#)

## MINUTES OF PROCEEDINGS

Meeting No. 20

Tuesday, June 14, 2005

The Legislative Committee on Bill C-38 met in a televised session at 3:30 p.m. this day, in Room 253-D Centre Block, the Chair, Marcel Proulx, presiding.

*Members of the Committee present:* Françoise Boivin, Don Boudria, Gord Brown, Brian Jean, Paul Harold Macklin, Richard Marceau, Réal Ménard, Rob Moore, Marcel Proulx, Michael John Savage, Bill Siksay, Lloyd St. Amand, Vic Toews and Mark Warawa.

*Other Members present:* James Lunney.

*In attendance: Library of Parliament:* Mary Hurley, Analyst.

*Witnesses: Centre for Cultural Renewal:* Iain Benson, Executive Director. *As an Individual:* Stanley Hartt. *Crossroads Christian Communications:* David Mainse, Founder; Ian Purvis, Lawyer.

Pursuant to the Order of Reference of Wednesday, May 4, 2005, the Committee resumed consideration of Bill C-38, An Act respecting certain aspects of legal capacity for marriage for civil purposes.

The witnesses made statements and answered questions.

At 5:29 p.m., the Committee adjourned to the call of the Chair.

Jean-François Pagé  
Clerk of the Committee

2005/06/15 2:19 p.m.

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HOUSE OF COMMONS OF CANADA  
38th PARLIAMENT, 1st SESSION

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**MINUTES OF PROCEEDINGS**  
**LEGISLATIVE COMMITTEE ON BILL C-38**

Chair: Marcel Proulx. Lib.

**Meeting No. 21**

**Wednesday, June 15, 2005**

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**ORDER OF THE DAY:**

Pursuant to the Order of Reference of Wednesday, May 4, 2005, the Committee resumed consideration of Bill C-38, An Act respecting certain aspects of legal capacity for marriage for civil purposes.

**MEMBERS OF THE COMMITTEE PRESENT:**

Françoise Boivin,  
Don Boudria,  
Gord Brown,  
Brian Jean,  
Paul Harold Macklin,  
Richard Marceau,  
Réal Ménard,  
Rob Moore,  
Anita Neville,  
Marcel Proulx,  
Michael John Savage,  
Bill S. Day  
and \ Toews.

**OTHER MEMBERS PRESENT:**

Derek Lee,  
Paul Szabo  
and Mark Warawa.

**IN ATTENDANCE:**

*Library of Parliament:*

Mary Hurley, Analyst.

*House of Commons:*

Joann Garbig, Legislative Clerk;

Susan Baldwin, Legislative Clerk.

*Library of Parliament:*

Kristen Douglas, Analyst.

**WITNESSES:**

*Department of Justice:*

Lisa Hitch, Senior Counsel, Policy Sector, Family, Children and Youth Section;

Raymond MacCallum, Counsel, Human Rights Law Section.

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Jean-François Pagé  
Clerk of the Committee

## MINUTES OF PROCEEDINGS

Meeting No. 21

Wednesday, June 15, 2005

The Legislative Committee on Bill C-38 met in a televised session at 3:59 p.m. this day, in Room 237-C Centre Block, the Chair, Marcel Proulx, presiding.

*Members of the Committee present:* Françoise Boivin, Don Boudria, Gord Brown, Brian Jean, Paul Harold Macklin, Richard Marceau, Réal Ménard, Rob Moore, Anita Neville, Marcel Proulx, Michael John Savage, Bill Siksay and Vic Toews.

*Other Members present:* Derek Lee, Paul Szabo and Mark Warawa.

*In attendance: Library of Parliament:* Mary Hurley, Analyst. *House of Commons:* Joann Garbig, Legislative Clerk; Susan Baldwin, Legislative Clerk. *Library of Parliament:* Kristen Douglas, Analyst.

*Witnesses: Department of Justice:* Lisa Hitch, Senior Counsel, Policy Sector, Family, Children and Youth Section; Raymond MacCallum, Counsel, Human Rights Law Section.

Pursuant to the Order of Reference of Wednesday, May 4, 2005, the Committee resumed consideration of Bill C-38, An Act respecting certain aspects of legal capacity for marriage for civil purposes.

The Committee commenced its clause-by-clause study of the Bill.

At 4:02 p.m., the sitting was suspended.

At 4:28 p.m., the sitting resumed.

Lisa Hitch and Raymond MacCallum answered questions.

Clause 2 carried on division.

Clause 3 carried on the following recorded division: YEAS: Françoise Boivin, Don Boudria, Paul Harold Macklin, Richard Marceau, Réal Ménard, Anita Neville, Michael John Savage, Bill Siksay — 8; NAYS: Gord Brown, Brian Jean, Rob Moore, Vic Toews — 4.

On Clause 3.1,

By unanimous consent, Paul Harold Macklin moved, — That Bill C-38, in Clause 3.1, be amended by adding after line 42 on page 2 the following:

“For greater certainty, no person or organization shall be deprived of any benefit, or be subject to any obligation or sanction, under any law of the Parliament of Canada solely by reason of their exercise, in respect of marriage between persons of the same sex, of the freedom of conscience and religion guaranteed under the *Canadian Charter of Rights and Freedoms* or the expression of their beliefs in respect of the union of a man and woman, to the exclusion of all others, based on that guaranteed freedom.”



Françoise Boivin moved, — That the amendment be amended by replacing the words “between persons of the same sex ” with the words “ as the union of a man and a woman to the exclusion of all others”

After debate, the question was put on the subamendment of Françoise Boivin and it was agreed to on division.

After debate, the question was put on the amendment of Paul Harold Macklin and it was agreed to on division.

Clause 4 carried on the following recorded division: YEAS: Françoise Boivin, Don Boudria, Paul Harold Macklin, Richard Marceau, Réal Ménard, Anita Neville, Michael John Savage, Bill Siksay — 8; NAYS: Gord Brown, Brian Jean, Rob Moore, Vic Toews — 4.

On Clause 4.1,

Vic Toews moved, — That Bill C-38 be amended by adding after line 3 on page 3 the following new clause:

“4.1 No person shall be deprived of any benefit or be subject to any incapacity or obligation under any law of Canada by reason of their practices, beliefs, or advocacy in respect of the definition of marriage.”

The Chair ruled the proposed amendment inadmissible because it was beyond the scope of the Bill, as provided on page 654 of House of Commons Procedure and Practice.

Whereupon, Vic Toews appealed the decision of the Chair.

The question: "Shall the decision of the Chair be sustained?" was put and the decision was sustained on the following recorded division: YEAS: Françoise Boivin, Don Boudria, Paul Harold Macklin, Anita Neville, Michael John Savage, Bill Siksay — 6; NAYS: Gord Brown, Brian Jean, Richard Marceau, Réal Ménard, Rob Moore, Vic Toews — 6.

The Chair's decision was sustained as the question was not negated.

On Clause 4.1,

By unanimous consent, Brian Jean moved, — That Bill C-38, in Clause 4.1, be amended by adding after line 3 on page 3 the following:

“4.1 No person shall be deprived of any benefit or be subject to any incapacity, obligation or penalty under any law of Canada solely by reason of their religious practices or beliefs in respect of the definition of marriage under this Act”

That the motion be amended by:

(a) replacing the words “ No person” with the words “For greater certainty, no person or organization ”

(b)by deleting “incapacity,”;

(c)by inserting the words “the Parliament of” before the word “Canada”;

(d)by deleting the word “solely”;

(e)by replacing the words “in respect of the definition of marriage under this Act” with the words “that marriage is the union between a man and a woman to the exclusion of all others”.

The question was put on the subamendment of Gord Brown and it was negatived on the following recorded division: YEAS: Gord Brown, Brian Jean, Rob Moore, Vic Toews — 4; NAYS : Françoise Boivin, Don Boudria, Paul Harold Macklin, Richard Marceau, Réal Ménard, Anita Neville, Michael John Savage, Bill Siksay — 8.

The question was put on the amendment of Brian Jean and it was negatived on the following recorded division: YEAS: Gord Brown, Brian Jean, Rob Moore, Vic Toews — 4; NAYS: Françoise Boivin, Don Boudria, Paul Harold Macklin, Richard Marceau, Réal Ménard, Anita Neville, Michael John Savage, Bill Siksay — 8.

On Clause 4.2,

Vic Toews moved, — That Bill C-38 be amended by adding after line 3 on page 3 the following new clause:

“4.2 The Minister of Justice shall establish and administer a fund to which shall be credited the sum of ten million dollars annually, which shall be paid to into the fund by the Minister of Finance out of the Consolidated Revenue Fund. The purpose of the fund shall be to assist religious groups or organizations and other institutions in the payment of legal and other expenses arising out of their involvement in public debate in respect of the definition of marriage.”

The Chair ruled the proposed amendment inadmissible because it infringed on the financial initiative of the Crown, as provided on page 655 of House of Commons Procedure and Practice.

Whereupon, Vic Toews appealed the decision of the Chair.

The question: "Shall the decision of the Chair be sustained?" was put and the decision was overturned on the following recorded division: YEAS: Gord Brown, Brian Jean, Rob Moore, Vic Toews — 4; NAYS: Françoise Boivin, Don Boudria, Paul Harold Macklin, Richard Marceau, Réal Ménard, Anita Neville, Michael John Savage, Bill Siksay — 8.

On Clause 4.3,

Vic Toews moved, — That Bill C-38 be amended by adding after line 3 on page 3 the following new clause:

“4.3 This Act does not apply in any province or territory that has not enacted legislation to protect the freedom of individuals and religious and other groups in respect of their beliefs, practices and advocacy relating to the definition of marriage, including legislation that

(a) recognizes the right of schools that are affiliated with a particular church or religious group to give instruction on matters relating to the family and sexual behaviour in accordance with their precepts and beliefs; and

(b) recognizes the right of a student to withdraw from a program of study in a public school that relates to the family or sexual behaviour if the material being taught in that program does not accord with the precepts or beliefs of the student or of his or her parents.”

The Chair ruled the proposed amendment inadmissible because it was beyond the scope of the Bill, as provided on page 654 of House of Commons Procedure and Practice.

Whereupon, Vic Toews appealed the decision of the Chair.

The question: "Shall the decision of the Chair be sustained?" was put and the decision was overturned on the following recorded division: YEAS: Gord Brown, Brian Jean, Rob Moore, Vic Toews — 4; NAYS: Françoise Boivin, Don Boudria, Paul Harold Macklin, Richard Marceau, Réal Ménard, Anita Neville, Michael John Savage, Bill Siksay — 8.

On Clause 4.4,

Vic Toews moved, — That Bill C-38 be amended by adding after line 3 on page 3 the following new clause:

“4.4 (1) Within ten sitting days after this Act has been in force for three years, the Minister of Justice shall table a report in the House of Commons reviewing its operation and, in particular, the effect on Canadian society of the operation of section 2. The report shall contain statistical information regarding rates of marriage and any other family-related information that is relevant.

(2) On the day the report is tabled, it shall be referred by the House of Commons to the committee of the House that deals with matters relating to justice. The committee shall study the report and may conduct inquiries or public hearings with respect to the information contained in the report. The committee shall report its findings and any recommendations it considers advisable to the House within thirty sitting days after the report was tabled by the Minister of Justice under subsection (1).”

After debate, the question was put on the amendment of Vic Toews and it was negatived on the following recorded division: YEAS: Gord Brown, Brian Jean, Rob Moore, Vic Toews — 4; NAYS: Françoise Boivin, Don Boudria, Paul Harold Macklin, Richard Marceau, Réal Ménard, Anita Neville, Michael John Savage, Bill Siksay — 8.

Clause 5 carried on division.

Clause 6 carried on division.

On Clause 6.1,

Vic Toews moved, — That Bill C-38 be amended by adding after line 10 on page 4 the following new clause:

#### “CANADIAN HUMAN RIGHTS ACT

**6.1 Subsection 15(1) of the *Canadian Human Rights Act* is amended by striking out the word “or” at the end of paragraph (f), by adding the word “or” at the end of paragraph (g) and by adding the following after paragraph (g):**



(h) a person by any means expresses or communicates their views on the definition of marriage.”

The Chair ruled the proposed amendment inadmissible because it was beyond the scope of the Bill, as provided on page 654 of House of Commons Procedure and Practice.

Whereupon, Vic Toews appealed the decision of the Chair.

The question: "Shall the decision of the Chair be sustained?" was put and the decision was sustained on the following recorded division: YEAS: Françoise Boivin, Don Boudria, Paul Harold Macklin, Richard Marceau, Réal Ménard, Anita Neville, Michael John Savage, Bill Siksay — 8; NAYS: Gord Brown, Brian Jean, Rob Moore, Vic Toews — 4.

Clause 7 carried on division.

On Clause 7.1,

Vic Toews moved, — That Bill C-38 be amended by adding after line 12 on page 4 the following new clause:

#### **“CRIMINAL CODE**

**7.1 Subsection 319(3) of the *Criminal Code* is amended by adding the following after paragraph (b):**

**(b.1) if the person was expressing their views on the definition of marriage;”**

The Chair ruled the proposed amendment inadmissible because it was beyond the scope of the Bill, as provided on page 654 of House of Commons Procedure and Practice.

Whereupon, Vic Toews appealed the decision of the Chair.

The question: "Shall the decision of the Chair be sustained?" was put and the decision was sustained on the following recorded division: YEAS: Françoise Boivin, Don Boudria, Paul Harold Macklin, Richard Marceau, Réal Ménard, Anita Neville, Michael John Savage, Bill Siksay — 8; NAYS: Gord Brown, Brian Jean, Rob Moore, Vic Toews — 4.

Clause 8 carried on the following recorded division: YEAS: Françoise Boivin, Don Boudria, Paul Harold Macklin, Richard Marceau, Réal Ménard, Anita Neville, Michael John Savage, Bill Siksay — 8; NAYS: Gord Brown, Brian Jean, Rob Moore, Vic Toews — 4.

Clause 9 carried on division.

Clause 10 carried on division.

Clause 11 carried on division.

On Clause 11.1,

Vic Toews moved, — That Bill C-38 be amended by adding after line 32 on page 5 the following new clause:

**“11.1 Section 149.1 of the Act is amended by adding the following after subsection (2):**

(2.1) For greater certainty, the Minister may not revoke the registration of a charitable organization under subsection (2) solely because the charitable organization has engaged in public debate in respect of the definition of marriage or has advocated in favour of a particular definition of marriage.”

The Chair ruled the proposed amendment inadmissible because it was beyond the scope of the Bill, as provided on page 654 of House of Commons Procedure and Practice.

Whereupon, Vic Toews appealed the decision of the Chair.

The question: "Shall the decision of the Chair be sustained?" was put and the decision was sustained on the following recorded division: YEAS: Françoise Boivin, Don Boudria, Paul Harold Macklin, Richard Marceau, Réal Ménard, Anita Neville, Michael John Savage, Bill Siksay — 8; NAYS: Gord Brown, Brian Jean, Rob Moore, Vic Toews — 4.

On Clause 11.1,

Vic Toews moved, — That Bill C-38 be amended by adding after line 32 on page 5 the following new clause:

**“11.1 Section 149.1 of the Act is amended by adding the following after subsection (3):**

(3.1) For greater certainty, the Minister may not revoke the registration of a public foundation under subsection (3) solely because the public foundation has engaged in public debate in respect of the definition of marriage or has advocated in favour of a particular definition of marriage.”

The Chair ruled the proposed amendment inadmissible because it was beyond the scope of the Bill, as provided on page 654 of House of Commons Procedure and Practice.

Whereupon, Vic Toews appealed the decision of the Chair.

The question: "Shall the decision of the Chair be sustained?" was put and the decision was sustained on the following recorded division: YEAS: Françoise Boivin, Don Boudria, Paul Harold Macklin, Richard Marceau, Réal Ménard, Anita Neville, Michael John Savage, Bill Siksay — 8; NAYS: Gord Brown, Brian Jean, Rob Moore, Vic Toews — 4.

Clauses 12 to 15 inclusive carried on division severally.

On Clause 16,

Vic Toews moved, — That Bill C-38 be amended by adding after line 30 on page 6 the following new clause:

**“RADIO REGULATIONS, 1986****16. Section 3.1 of the *Radio Regulations, 1986* is replaced by the following:**

**3.1** For the purposes of paragraph 3(b),

(a) sexual orientation does not include the orientation towards any sexual act or activity that would constitute an offence under the *Criminal Code*; and

(b) the expression by any person of their views on the definition of marriage is not abusive comment.”

The Chair ruled the proposed amendment inadmissible because it was beyond the scope of the Bill, as provided on page 654 of House of Commons Procedure and Practice.

Whereupon, Vic Toews appealed the decision of the Chair.

The question: "Shall the decision of the Chair be sustained?" was put and the decision was sustained on the following recorded division: YEAS: Don Boudria, Paul Harold Macklin, Richard Marceau, Réal Ménard, Anita Neville, Michael John Savage, Bill Siksay — 7; NAYS: Gord Brown, Brian Jean, Rob Moore, Vic Toews — 4.

On Clause 17,

Vic Toews moved, — That Bill C-38 be amended by adding after line 30 on page 6 the following new clause:

#### **“TELEVISION BROADCASTING REGULATIONS, 1987**

**17. Subsection 5(1.1) of the *Television Broadcasting Regulations, 1987* is replaced by the following:**

(1.1) For the purposes of paragraph (1)(b),

(a) sexual orientation does not include the orientation towards any sexual act or activity that would constitute an offence under the *Criminal Code*; and

(b) the expression by any person of their views on the definition of marriage is not abusive comment.”

The Chair ruled the proposed amendment inadmissible because it was beyond the scope of the Bill, as provided on page 654 of House of Commons Procedure and Practice.

Whereupon, Vic Toews appealed the decision of the Chair.

The question: "Shall the decision of the Chair be sustained?" was put and the decision was sustained on the following recorded division: YEAS: Françoise Boivin, Don Boudria, Paul Harold Macklin, Richard Marceau, Réal Ménard, Anita Neville, Michael John Savage, Bill Siksay — 8; NAYS: Gord Brown, Brian Jean, Rob Moore, Vic Toews — 4.

On Preamble,

Vic Toews moved, — That Bill C-38, in the Preamble, be amended by deleting lines 8 to 13 on page 1.

The Chair ruled the proposed amendment inadmissible because it proposed to add a preamble to the Bill, as provided on page 657 of House of Commons Procedure and Practice.

Whereupon, Vic Toews appealed the decision of the Chair.



The question: "Shall the decision of the Chair be sustained?" was put and the decision was sustained on the following recorded division: YEAS: Françoise Boivin, Don Boudria, Paul Harold Macklin, Richard Marceau, Réal Ménard, Anita Neville, Michael John Savage, Bill Siksay — 8; NAYS: Gord Brown, Brian Jean, Rob Moore, Vic Toews — 4.

On Preamble,

Vic Toews moved, — That Bill C-38, in the Preamble, be amended by deleting lines 14 to 17 on page 1.

The Chair ruled the proposed amendment inadmissible because it proposed to add a preamble to the Bill, as provided on page 657 of House of Commons Procedure and Practice.

Whereupon, Vic Toews appealed the decision of the Chair.

The question: "Shall the decision of the Chair be sustained?" was put and the decision was sustained on the following recorded division: YEAS: Don Boudria, Paul Harold Macklin, Richard Marceau, Réal Ménard, Anita Neville, Michael John Savage, Bill Siksay — 7; NAYS: Gord Brown, Brian Jean, Rob Moore, Vic Toews — 4.

On Preamble,

Vic Toews moved, — That Bill C-38, in the Preamble, be amended by deleting lines 18 to 25 on page 1.

The Chair ruled the proposed amendment inadmissible because it proposed to add a preamble to the Bill, as provided on page 657 of House of Commons Procedure and Practice.

Whereupon, Vic Toews appealed the decision of the Chair.

The question: "Shall the decision of the Chair be sustained?" was put and the decision was sustained on the following recorded division: YEAS: Don Boudria, Paul Harold Macklin, Richard Marceau, Réal Ménard, Anita Neville, Michael John Savage, Bill Siksay — 7; NAYS: Gord Brown, Brian Jean, Rob Moore, Vic Toews — 4.

On Preamble,

Vic Toews moved, — That Bill C-38, in the Preamble, be amended by deleting lines 4 to 11 on page 2.

The Chair ruled the proposed amendment inadmissible because it proposed to add a preamble to the Bill, as provided on page 657 of House of Commons Procedure and Practice.

Whereupon, Vic Toews appealed the decision of the Chair.

The question: "Shall the decision of the Chair be sustained?" was put and the decision was sustained on the following recorded division: YEAS: Françoise Boivin, Don Boudria, Paul Harold Macklin, Richard Marceau, Réal Ménard, Anita Neville, Michael John Savage, Bill Siksay — 8; NAYS: Gord Brown, Brian Jean, Rob Moore, Vic Toews — 4.

On Preamble,

Vic Toews moved, — That Bill C-38, in the Preamble, be amended by deleting lines 12 to 18 on page 2.

The Chair ruled the proposed amendment inadmissible because it proposed to add a preamble to the Bill, as provided on page 657 of House of Commons Procedure and Practice.

Whereupon, Vic Toews appealed the decision of the Chair.

The question: "Shall the decision of the Chair be sustained?" was put and the decision was sustained on the following recorded division: YEAS: Françoise Boivin, Don Boudria, Paul Harold Macklin, Richard Marceau, Réal Ménard, Anita Neville, Michael John Savage, Bill Siksay — 8; NAYS: Gord Brown, Brian Jean, Rob Moore, Vic Toews — 4.

On Preamble,

Vic Toews moved, — That Bill C-38, in the Preamble, be amended by deleting lines 25 to 30 on page 2.

The Chair ruled the proposed amendment inadmissible because it proposed to add a preamble to the Bill, as provided on page 657 of House of Commons Procedure and Practice.

Whereupon, Vic Toews appealed the decision of the Chair.

The question: "Shall the decision of the Chair be sustained?" was put and the decision was sustained on the following recorded division: YEAS: Françoise Boivin, Don Boudria, Paul Harold Macklin, Richard Marceau, Réal Ménard, Anita Neville, Michael John Savage, Bill Siksay — 8; NAYS: Gord Brown, Brian Jean, Rob Moore, Vic Toews — 4.

On Preamble,

Vic Toews moved, — That Bill C-38, in the Preamble, be amended by adding after line 11 on page 2 the following:

“WHEREAS it is not against the public interest to hold and publicly express diverse views on marriage;”

Réal Ménard moved, — That the amendment be amended by replacing the words “ public interest” with the words “ freedom of expression”

The question was put on the subamendment of Réal Ménard and it was negatived on the following recorded division: YEAS: Gord Brown, Brian Jean, Réal Ménard, Rob Moore, Vic Toews — 5; NAYS : Françoise Boivin, Don Boudria, Paul Harold Macklin, Richard Marceau, Anita Neville, Michael John Savage, Bill Siksay — 7.

The question was put on the amendment and the result of the vote was announced: YEAS: Gord Brown, Brian Jean, Richard Marceau, Réal Ménard, Rob Moore, Vic Toews — 6; NAYS: Françoise Boivin, Don Boudria, Paul Harold Macklin, Anita Neville, Michael John Savage, Bill Siksay — 6.

Whereupon, the Chair voted in the affirmative.

Accordingly, the amendment was agreed to.

The Title carried on division.



The Short Title carried on division.

The Preamble carried.

The Bill, as amended, carried on division.

ORDERED, — That Bill C-38, as amended, be reprinted for the use of the House at report stage.

At 11:09 p.m., the Committee adjourned to the call of the Chair.

Jean-François Pagé  
Clerk of the Committee

2005/06/17 2:53 p.m.

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